

CALIFORNIA ENERGY COMMISSION

1516 NINTH STREET

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STAFF SUPPLEMENT FOR THE BALDWIN HILLS ENERGY FACILITY NO.1 PROJECT

INTRODUCTION

A second public hearing was held at the West Los Angeles College in Culver City on June 18, 2001 for staff to present their findings and conclusions and for the public to offer comment on the Baldwin Hills Energy Facility No. 1 Staff Assessment. In response to information and public comments received at the hearing, this supplement is intended to address technical issues and provide clarification to the Energy Commission and the public. Staff has evaluated the technical information presented in the Staff Assessment and the additional technical information included in this supplement and has determined that the project, with the mitigation measures proposed by the applicant and the Conditions of Certification proposed in the Staff Assessment and this supplement, will not result in any unmitigated significant impacts.

LAND USE

Public comments received at the informational hearing were concerned that staff had not adequately addressed Public Resources Code section 32550 et seq., the future Baldwin Hills Park, or Los Angeles County land use designations.

Public Resources Code section 32550 et seq, which creates the Baldwin Hills Conservancy, does **not** designate the Baldwin Hills area as a State, regional, county or city park, wilderness, scenic or natural reserve. It creates a government body for the purposes set forth in section 32555, which include tasks to acquire public and open-space lands and to provide recreational, wildlife habitat restoration and educational uses within the area. That area is not yet totally within the public domain.

Public Resources Code section 25527 prohibits the State from approving as a site for a power plant facility any publicly-owned State, regional, county or city parks, wilderness, scenic or natural reserves, areas for wildlife protection, recreation, historic preservation, or estuaries in natural or undeveloped states. The land within that designated area of the Conservancy is not within public ownership or control, which makes section 25527 inapplicable to this situation. Section 25527 continues to state that the Commission shall give the greatest consideration to the needs of protecting areas of critical environmental concern including areas under consideration by the State for wilderness, or wildlife and game reserves. However, that language does not prohibit the siting of a power plant in areas under consideration for wilderness areas.

The requirement that the power plant be closed and decommissioned when the oilfield stops production ensures, to the extent possible today, that the proposed use will not interfere with the objective of establishing the Baldwin Hills Conservancy.

Additional comments objected to the siting of a power plant at the proposed site because the project site is designated as "Urban Open Space" in the Los Angeles County General Plan and the proposed project is not consistent with this land use designation. The project site is designated "Open Space". The Los Angeles County General Plan open space designation allows uses permitted in the zoning ordinance, and the zoning ordinance allows a power plant with a use permit. Further, in regards to the Open Space Policy, the General Plan states the following:

"Due to the scale and generalized nature of the Land Use Policy Map, it is conceivable that privately owned lands not intended for long term open space use have been included within the Open Space classification. The plan therefore seeks to provide a mechanism to guide detailed land use consideration in instances where mapped policy, by itself, is unclear or inadequate. In combination with textual and mapped policies of the Plan, there are general standards and conditions intended to provide such a mechanism."

Therefore, the proposed project is allowable use in the open space designation, and an allowable use in this land use designation.

Furthermore, the proposed project is consistent with the General Plan designation for Urban Open Space. General Development Policies for Urban Open Space (Number 5) state; "Major public and private areas in or adjacent to urban areas permanently reserved (or expected to be permanently reserved) for open space during the life of the Plan. They are typically more intensively used than non-urban open space. They may contain structures and facilities compatible with, and appurtenant to, open space and recreation uses and the character of the surrounding area."

SOILS & WATER

Upon further review, staff has determined that the existing NPDES Permit for Stocker Resources' oil and natural gas operations requires a revision to the Storm Water Pollution Prevention Plan (SWPPP) for industrial activity. An additional condition, **SOILS & WATER 5**, which requires the applicant to submit to the CPM the revised SWPPP for industrial activity, and evidence of contacting and having complied with any requirements of the DPW/WMD for post-construction activities, is hereby incorporated into the Staff Assessment. Changes to the Soils & Water section occur on page 22 of the Staff Assessment, and are shown in strikeout mode as follows:

~~**GENERAL NPDES FOR DISCHARGES OF STORM WATER ASSOCIATED WITH INDUSTRIAL ACTIVITIES**~~

~~The State Water Resources Control Board (SWRCB) has determined that a Storm Water Permit for Industrial activities and an NPDES permit are not required (Innes 2001). However, a SWPPP for industrial activity will be prepared in accordance with SWRCB guidelines. The existing SWPPP for the oil and natural gas field operations, as administered under the individual NPDES Permit # CA0057827, will be revised to~~

include provisions for the project. These SWPPP provision for the industrial activity, shall be planned in accordance with the SWRCB's guidelines and implemented prior to project operation. In addition, the applicant is also required to contact the DPW/WMD to determine if any post-construction BMPs are necessary to aid LAC in complying with Order No.96-054. Implementation of Condition of Certification SOIL & WATER 5 will ensure that prior to operations, the applicant submits to the CPM the revised SWPPP for industrial activity, and evidence of contacting and having complied with any requirements of the DPW/WMD for post-construction activities.

Soil & Water 5 - Prior to operations, the applicant shall submit to the CPM the revised SWPPP for industrial activity, and evidence of contacting and having complied with any requirements of the DPW/WMD for post-construction activities.

GEOLOGICAL RESOURCES

Public comments received at the informational hearing were concerned that staff had not adequately addressed the geologic characteristics of the project area and the geologic impacts that may occur in the event of an earthquake in the project area. Staff provides the following additional further explanation in the area of geologic resources.

The CEC process for determining the geologic and seismic conditions that influence the project and the appropriate mitigation for these conditions, is a two phased process. The CEC staff's assessment and mitigation of any adverse geologic conditions surrounding the site includes a preliminary assessment during the permit process and a detailed comprehensive evaluation by qualified experts, after the permit is issued, during the CEC compliance monitoring process. The detailed studies that are required of the project owner, by the CEC during compliance monitoring, are the studies used to determine the project design and mitigation for any adverse geologic conditions at the site.

The geologic analysis conducted during the permit process is intended to ensure:

- that the site and surrounding geologic conditions and hazards are identified accurately by qualified geologic experts;
- that there are no hazards that would prevent the project from being constructed;
- that appropriate detailed geologic studies will be conducted, during the compliance monitoring process to ensure public health and safety, and compliance with setback requirements and building codes.

Typical codes and standards applicable to most projects related to seismic/geologic hazards include, but are not limited to, the California Building Code (CBC), the Alquist-Priolo Earthquake Fault Zoning Act, and the Institute of Electrical and Electronic Engineers (IEEE.) These and other design codes and standards are incorporated in staff's conditions of certification for most projects. The staff's analysis and conditions of

certification focus on compliance with such codes and standards and public and worker safety.

For the Baldwin Hills Project, the staff's geologic analysis and requirements for detailed geologic studies during the compliance monitoring process, are linked to the Staff's Facility Design Analysis and conditions of certification. For example, the Facility Design requirement that the Baldwin Hills Project comply with the California Building Code implicitly includes detailed geologic studies and design requirements for adverse geologic conditions at the site. Typical concerns addressed by the CBC, with requirements for analytical methods and minimum design, include:

- the occupancy category of the project, for determining earthquake design;
- project structural systems and irregularities, for determining earthquake design;
- determination of site geology and soil characteristics;
- determination of site seismic hazard characteristics;
- site design basis ground motion;
- an Engineering Geology Report addressing the effect of geologic conditions on the proposed development;
- liquefaction studies, and
- earthquake design of the project.

Thus, the comprehensive and detailed geologic studies for the Baldwin Hills Project will be conducted during the compliance monitoring process, if the project is issued a permit by the CEC. It will be these studies and results, conducted in compliance with the applicable codes and standards identified in staff's conditions of certification that will determine the design requirements for the project.